

### Remarks

The status of the claims is as follows. Claims 1-39 were originally filed and were subject to restriction. Claims 22-39 were canceled in a previous amendment. Claims 40-57 were added in a previous amendment. Claims 17-21 and 40-57 were previously withdrawn from consideration and were previously canceled without prejudice to Applicant's filing of divisional applications to the separately patentable subject matter thereof. Claims 58-81 were added in a previous amendment.

Claim 1 has been canceled herein without prejudice to Applicant's filing a continuation application directed to the subject matter of Claim 1. Claims 2, 3, 5, 6, 9, 62, 64 and 66 have been amended herein. The Office Action indicated that Claims 58-61 and 72-81 were allowed and that Claims 2, 5, 9-14, 16, 64-69 and 71 were objected to. Claim 6 was also included in the objected to category as well as in the rejected category. The inclusion of Claim 6 in the objected to category was a typographical error as confirmed by Examiner McKane in a telephone conversation on September 1, 2004.

### The Amendment

Claim 2 was amended to incorporate the elements of Claim 1 and place Claim 2 in independent form.

Claim 3 was amended to change its dependency from Claim 1 to Claim 2.

Claim 5 was amended to incorporate the elements of Claim 1 and place Claim 5 in independent form.

Claim 6 was amended to recite that the outlet element is in fluid communication with the manifold and the outlet element comprises about 10 to about 50 openings per square inch. Support therefor is in the Specification, for example, original Claim 9.

Claim 9 was amended to satisfy its dependency on Claim 6.

Claim 62 was amended to recite that the outlet element comprises about 10 to about 50 openings per square inch and also to recite that the apparatus comprises a flow-straightening element disposed in fluid communication between the outlet element and the chamber. Support therefor is in the Specification, for example, original Claims 9 and 11.

Claims 64 and 66 were amended to satisfy their respective dependencies on Claim 6.

Rejection under 35 U.S.C. §102

Claims 1, 3, 4, 6, 8, and 15 were rejected under 35 U.S.C. 102(b) as being anticipated by Shishiguchi, *et al.* (U.S. Patent No. 4,992,301) (Shishiguchi).

The disclosure of Shishiguchi relates to chemical vapor deposition apparatus for obtaining high quality epitaxial layer with uniform film thickness.

Without acquiescing in the rejection made in the Office Action, Claim 1 has been canceled. Claim 3 is now dependent from Claim 2, which was placed in independent form and which was indicated in the Office Action to be allowable if rewritten in independent form. Claim 2 was placed in independent form as a result of the indication in the Office Action that Claim 2 would be allowable if rewritten in independent form.

Claim 6 was amended to incorporate elements of Claim 9 as a result of the indication in the Office Action that Claim 9 would be allowable if rewritten in independent form. Claims 8 and 15 ultimately depend from Claim 6, which is now allowable.

Rejection under 35 U.S.C. §103

Claims 7, 62, 63 and 70 were rejected under 35 U.S.C. 103(a) as being unpatentable over Shishiguchi in view of Yamagi, *et al.* (U.S. Patent No. 5,484,484) (Yamagi). Applicant submits that Claim 7 is patentable over Shishiguchi because of its dependency from Claim 6, which is patentable over Shishiguchi as explained above.

Claim 62 is patentable over Shishiguchi in view of Yamagi because Claim 62 now recites that the outlet element comprises about 10 to about 50 openings per square inch and that the apparatus comprises a flow-straightening element disposed in fluid communication between the outlet element and the chamber. Accordingly, Claim 62 recites elements of Claims 9 and 11, which the Office Action indicated contained allowable subject matter.

Applicant submits that Claims 63 and 70 are patentable over Shishiguchi in view of Yamagi because of their respective dependencies from Claim 62, which is patentable over Shishiguchi as explained above.

Allowable Subject Matter

Claims 2, 5, 9-14, 16, 64-69 and 71 were objected to as being dependent

upon a rejected base claim. The Office Action indicated that the claims would be allowable if rewritten in independent form. Applicant submits that Claims 2, 5, 9-14, 16, 64-69 and 71 are patentable over the art as discussed above.

The Office Action further indicated that Claims 58-61 and 72-81 were allowed.

Conclusion

Claims 2-16 and 62-71 are patentable over the art of record as discussed above. Claims 58-61 and 72-81 have been allowed. Allowance of the above-identified patent application, it is submitted, is in order.

Respectfully submitted,

A handwritten signature in cursive script, reading "Theodore J. Leitereg".

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